



[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Approval of Noise Compatibility Program
Southwest Florida International Airport
Fort Myers, FL

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the Noise Compatibility Program submitted by the Lee County Port Authority under the provisions of 49 U.S.C. (the Aviation Safety and Noise Abatement Act, hereinafter referred to as “the Act”) and 14 CFR Part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96-52 (1980). On January 30, 2013, the FAA determined that the noise exposure maps submitted by the Lee County Port Authority under Part 150 were in compliance with applicable requirements. On April 4, 2014, the FAA approved the Southwest Florida International Airport Noise Compatibility Program. Some of the recommendations of the Program were approved by FAA.

DATES: EFFECTIVE DATE: The effective date of the FAA's approval of the Southwest Florida International Airport Noise Compatibility Program is April 4, 2014.

FOR FURTHER INFORMATION CONTACT: Allan Nagy, Federal Aviation Administration, Orlando Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, FL 32822, phone number: (407) 812-6331. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the Noise Compatibility Program for Southwest Florida International Airport, effective April 4, 2014.

Under Section 47504 of the Act, an airport operator who has previously submitted a Noise Exposure Map may submit to the FAA a Noise Compatibility Program which sets forth the measures taken or proposed by the airport operator for the reduction of existing non-compatible land uses and prevention of additional non-compatible land uses within the area covered by the Noise Exposure Maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport Noise Compatibility Program developed in accordance with Title 14 Code of Federal Regulations (CFR) Part 150 is a local program, not a Federal Program. The FAA does not substitute its judgment for that of the airport operator with respect to which measure should be recommended for action. The FAA's approval or disapproval of 14 CFR Part 150 Program recommendations is measured according to the standards expressed in 14 CFR Part 150 and the Act, and is limited to the following determinations:

- a. The Noise Compatibility Program was developed in accordance with the provisions and procedures of 14 CFR Part 150;
- b. Program measures are reasonably consistent with achieving the goals of reducing existing non-compatible land uses around the airport and preventing the introduction of additional non-compatible land uses;
- c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal government; and
- d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport Noise Compatibility Program are delineated in 14 CFR Part 150, Section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request

may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the Program nor a determination that all measures covered by the Program are eligible for grant-in-aid funding from the FAA. Where Federal funding is sought, requests for project grants must be submitted to the FAA Airports District Office in Orlando, FL.

Lee County Port Authority submitted to the FAA on January 30, 2013, the Noise Exposure Maps, descriptions, and other documentation produced during the noise compatibility planning study conducted from May 10, 2012, through March 3, 2014. The Southwest Florida International Airport Noise Exposure Maps were determined by FAA to be in compliance with applicable requirements on January 30, 2013. Notice of this determination was published in the Federal Register on February 8, 2013.

The Southwest Florida International Airport study contains a proposed Noise Compatibility Program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from April 19, 2014 to the year 2018. It was requested that FAA evaluate and approve this material as a Noise Compatibility Program as described in Section 47504 of the Act. The FAA began its review of the Program on October 21, 2013, and was required by a provisions of the Act to approve or disapprove the program within 180-days (other than the use of new or modified flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained sixteen (16) proposed actions for noise mitigation on and /or off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and 14 CFR Part 150 have been satisfied. The overall Program, therefore, was approved by the FAA effective April 4, 2014.

Outright approval was granted for five of the specific Program elements. Eleven of the Proposed measures in the NCP were disapproved for purposes of 14 CFR Part 150 because the analysis in the NCP does not demonstrate the measures' noise benefits on the DNL 65 dBA noise contour and they did not result in achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses in the area around the airport. However, these measures can be implemented by the Airport Sponsor on a voluntary basis.

These determinations are set forth in detail in a Record of Approval signed by the FAA on April 4, 2014. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative office of the Lee County Port Authority. The Record of Approval also will be available on-line at:

http://www.faa.gov/airports_airtraffic/airports/environmental/airport_noise/part_150/states/

Issued in Orlando, FL on April 7, 2014.

Bart Vernace, P.E., Manager,

Orlando Airports District Office.

[FR Doc. 2014-08203 Filed 04/10/2014 at 8:45 am; Publication Date: 04/11/2014]